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IMMIGRATION

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MEMORANDUM FOR: DC/ALD/OGC
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AA/PCS/DDO

FROM:

Legislation Division
Office of Legislative Liaison

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SUBJECT: H.R. 3321 - Recodification of Title 8
(Immigration and Naturalization): Request
for Comments

1. Attached for your review and comment please find a copy of H.R. 3321, introduced by Representative Rodino, Chairman of the House Judiciary Committee. This bill would codify certain provisions of the immigration and naturalizations laws found in Title 8 of the United States Code.

2. As you know, codifications are only supposed to codify existing law: they are not supposed to make substantive changes. It is, however, important to review them carefully as often times a substantive change is made. In this regard, your attention is directed to two provisions: 1) Section 1314 of the bill (found on page 45); and, 2) the subsection of the repealer section of the bill (found on p. 190) which repeals Section 7 of the Act of June 20, 1949, 50 U.S.C. §403h. The combined effect of these provisions appears to be the repeal of Section 7 of the Central Intelligence Agency Act of 1949 (the provision which allows the Agency to admit one hundred persons per year to permanent resident alien status without regard to any restrictions of the immigration laws) and its reenactment with some minor change as Subsection (b) of Section 1314.

3. I would appreciate your comments on these two provisions and their effect on the Agency (if any) as well as on any other provisions of H. R. 3321 which you believe may affect Agency equities.

4. In his remarks upon introduction of H.R. 3321 (attached), Representative Rodino indicated that comments on the bill can be directed to the Office of the Law Revision Counsel no later than 31 October 1985. Accordingly, we would appreciate receiving your comments by Friday, 18 October 1985. Should the two aforementioned sections or any other provision of the bill be of concern to the Agency, appropriate comments can then be prepared for transmission to that office.

5. As regards the chance of passage of H.R. 3321, you should know that there is, at this time, no Senate companion measure. Further, although this codification has been previously introduced, efforts at passage have not been successful to date. It is, however, important to correct problems with a codification bill as early in the process as possible since once such a bill begins to move, there may be little if any chance for amendment of it.

Legislation Division
Office of Legislative Liaison

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Attachments
as stated

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problems faced by those who use the FOIA to request documents. Proposals from the Reagan administration are principally designed to allow agencies to limit the availability of government information. The business community has presented useful amendments, but these only address the procedural problems faced by submitters of confidential business information.

Some existing bills—including my own bill (H.R. 1882)—do contain provisions that would make it easier for requesters to use the FOIA. But no comprehensive package of changes to help requesters has been offered. Now with the Freedom of Information Public Improvements Act of 1985, we have a set of amendments designed to address the shortcomings of the act as viewed from the perspective of active users of the law.

I do not mean to suggest that this bill is perfect. It needs study and review as do other bills. But this proposal will provide some balance to the legislative debates and will help us to fashion a workable compromise.

I intend to begin more active consideration of FOIA legislation immediately. I will work with all interested parties to develop compromise legislation that will be acceptable to all. Hearings will be held on proposed legislation before any formal subcommittee action, but no hearings are scheduled at this time.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CODIFICATION OF TITLE 8, UNITED STATES CODE, "ALIENS AND NATIONALITY"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I am today introducing a bill to revise, codify, and enact without substantive change certain general and permanent laws, related to aliens and nationality, as title 8, United States Code. This bill has been prepared by the Office of the Law Revision Counsel as a part of the program of the office to prepare and submit to the Judiciary Committee of the House of Representatives, for enactment into positive law, all titles of the United States Code.

This bill makes no change in the substance of existing law.

Anyone interested in obtaining a copy of the bill and a copy of the draft report to accompany the bill should contact: Edward F. Willett, Jr., Law Revision Counsel, House of Representatives, H2-304, House Annex No. 2, Washington, DC 20515.

Persons wishing to comment on the bill should submit those comments to the Office of the Law Revision Counsel not later than October 31, 1985.

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Texas [Mr. ARMEY] is recognized for 60 minutes.

[Mr. ARMEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE ARMENIAN GENOCIDE AND AMERICA'S OUTCRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mrs. JOHNSON] is recognized for 60 minutes.

Mrs. JOHNSON. Mr. Speaker, there have been few events in history that have evoked American sympathy and concern as did the Armenian genocide in Ottoman Turkey 70 years ago. But what is generally not known by our citizens or indeed by our colleagues in the Congress is the extent of American involvement in this tragedy as early as 35 years prior to the most brutal massacres of 1915-23.

It is for the purpose of reacquainting ourselves with this forgotten period of American history that I have requested this time on the House floor. The theme of this special order—the Armenian Genocide and America's outcry—stresses the efforts of the Congress over a period of 24 years to bring about an end to the killings and offer relief to the suffering.

House Joint Resolution 192, a resolution still pending before us, would commemorate the deaths of some 1.5 million Armenians during this period. To the dismay of many of us in the Congress, there has been a concerted attempt by the present Government of Turkey to see to it that the Armenian genocide be unremembered and that this commemorative resolution be defeated.

It goes without saying that the present Republic of Turkey is a valued NATO ally and that our two countries enjoy good relations with one another. This resolution is not in any way intended to slight Turkey or even to imply that modern Turkey had any involvement whatsoever in the tragic events under the Ottoman regime. For this very reason, it is unfortunate that modern Turkey has chosen to read into the resolution that which is not there.

Those who oppose the resolution claim that it is not the role of U.S. Congress to involve itself in writing history. Mr. Speaker, our Government has a proud record of speaking out repeatedly against the crimes committed under the Ottoman regime. Dating back at least to 1880, U.S. State Department officials in the Ottoman empire witnessed the excesses visited upon the Armenian population and cabled this information back to Washington. Our own ambassadors pleaded with Ottoman officials to stop the massacres. Our Secretaries of State were constantly expressing concern about these events. Seven U.S. Presidents during three decades offered America's sympathy to the Armenian sufferers. A U.S. Federal agency—Near

East Relief—was a American humanit, this troubled region.

Most importantly, the 54th and 66th Congress resolutions expressing atrocities and calling for stricken. The rediscovery of solutions is extremely important of us in the Congress. A vote of House Joint Resolution 1 year can now be based on precedent the historical precedent set by of our antecedents in this body lived during this tragic period were made aware on a daily basis the events unfolding in Asia Minor.

At the time these events were taking place, it would have been unthinkable to suggest that the Armenian population of Ottoman Turkey had not been specifically targeted for mass slaughter. Yet, there are those presently in the U.S. Government who are substituting their own judgment for that of eyewitnesses and contemporaneous officials and who now declare that the history of these events is ambiguous. In 1982, the U.S. State Department issued this statement: "Because the historical record of the 1915 events in Asia Minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people." After 9 months of pressure, the Department finally said that the statement was not intended as a statement of policy, and that U.S. policy on the matter had not changed. The problem we still face is that we are left guessing as to what the U.S. policy is on this matter.

Just 2 weeks ago, a U.N. Human Rights Subcommittee accepted a new study which recognized the Armenian genocide. The study, entitled "Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide," was opposed by the Government of Turkey because of the Armenian reference. Nonetheless, by a vote of 14 to 1 with 4 abstentions, the report was received with the Armenian genocide reference intact. The most significant aspect of the U.N. subcommittee vote was that the delegate from the United States voted in favor of accepting the report. I am encouraged that the United States gave its endorsement and I interpret this as a departure from previous attempts to cloud the history of the Armenian genocide.

There is nothing ambiguous about the Armenian genocide. The issue here is simply one of fact, and we in the Congress are seeking to affirm that which was established by prior Congresses in 1896 and 1920. We are trying to remember a very important period for all Americans. As I stated on June 4 prior to a suspension vote on House Joint Resolution 192, our ally relationship with modern Turkey must not require us to deny what is very real in the lives of our own people as a fact.